



Metropolitan Water Reclamation District of Greater Chicago Meeting Minutes Committee of the Whole

100 East Erie Street
Chicago, IL 60611

Commissioner Michael A. Alvarez, Commissioner Frank Avila, Commissioner Patricia Horton, Vice-President Barbara J. McGowan, Commissioner Kathleen Therese Meany, Chairman of Finance Cynthia M. Santos, Commissioner Debra Shore, Commissioner Mariyana T. Spyropoulos, President Terrence J. O'Brien

Thursday, June 2, 2011

10:35 AM

Board Room

Call Meeting to Order

President Terrence J. O'Brien presiding, called the meeting to order at 10:30 a.m.

Roll Call

Present: 9 - Michael A. Alvarez; Frank Avila; Patricia Horton; Barbara J. McGowan; Kathleen Therese Meany; Cynthia M. Santos; Debra Shore; Mariyana T. Spyropoulos; and Terrence J. O'Brien

Finance Committee

Report

- 1 [11-0669](#) Report on Cash Disbursements for the Month of April 2011, in the amount of \$47,718,464.98

Attachments: [11-0669 April 2011 Disbursement Report](#)

Recommended

Authorization

- 2 [11-0717](#) Authority to execute agreements with Chapman and Cutler LLP as Lead Bond Counsel, Special Tax Counsel, and Disclosure Counsel, and with Gonzalez, Saggio & Harlan, L.L.P., as Co-Bond Counsel, in an amount not to exceed \$383,000.00, in connection with the sale of up to a total of \$500,000,000.00 of General Obligation Capital Improvement Bonds of the Metropolitan Water Reclamation District of Greater Chicago

Recommended

- 3 [11-0718](#) Authority to execute agreements appointing Public Financial Management, Inc., and Public Finance Advisors LLC as Co-Financial Advisors to the District in an amount not to exceed \$290,000.00, plus expenses not to exceed \$5,000.00, in connection with the sale of up to a total of \$500,000,000 of General Obligation Capital Improvement Bonds of the Metropolitan Water Reclamation District of Greater Chicago

Recommended

Procurement Committee

Report

- 4 [11-0682](#) Report of bid opening of Tuesday, May 17, 2011

Recommended

- 5 [11-0685](#) Report of bid opening of Tuesday, May 24, 2011

Recommended

- 6 [11-0724](#) Report on rejection of bid for Contract 11-026-11, Furnish and Deliver PVC Pipe, Valves and Fittings to Various Locations for a One-Year Period, estimated cost \$50,000.00

Recommended

Authorization

- 7 [11-0711](#) Authorization to execute a bond purchase agreement for Contract 10-RFP-21, Professional Underwriting Services for District Bond Sales, with J.P. Morgan Securities LLC; and to appoint J.P. Morgan Securities LLC as Senior Managing Underwriter and Book-runner; Citigroup Global Markets, Inc., as Co-Senior Managing Underwriter; and Barclays Capital, Inc.; Duncan-Williams, Inc.; Loop Capital Markets, LLC; Merrill Lynch, Pierce, Fenner & Smith Incorporated (Bank of America); Samuel A. Ramirez & Co., Inc.; Siebert Brandford Shank & Co., LLC; and William Blair & Company LLC, as Co-Managing Underwriters, at a total fee not to exceed \$1,897,625.00 to market and sell up to \$500,000,000 of General Obligation Capital Improvement Bonds of the Metropolitan Water Reclamation District of Greater Chicago, Account 401-50000-767300

Recommended

- 8 [11-0723](#) Authorization to Extend the Agreement with The Gordian Group, Inc., for professional services for the development and implementation of the job order contracting system, for an additional term period of twelve months (As Revised)

Recommended

- 9 [11-0725](#) Authorization to exercise first option to extend Contract 09-942-11, Job Order Contracting Services, with Meccor Industries Ltd., for an additional term period of twelve months

Attachments: [Contract 09-942-11 Affirmative Action Report.pdf](#)

Recommended

- 10 [11-0732](#) Authorization to amend Board Order of April 21, 2011, regarding issue purchase order and enter into an agreement with System Solutions, Inc., for furnish and deliver Cisco Network Equipment and Maintenance to the Main Office Complex, in an amount not to exceed \$168,818.77, Accounts 101-27000-612840, 623850, 634840, Requisition 1322031, Agenda Item No. 21, File No. 11-0501

Recommended

Authority to Advertise

- 11 [11-0672](#) Authority to advertise Contract 11-682-11 Repair of Expansion Joints and Epoxy Injection at Various Locations, estimated cost \$146,800.00, Accounts 101-67000/68000-612600/612650/612680, Requisitions 1319516, 1317518 and 1290642

Recommended

- 12 [11-0680](#) Authority to advertise Contract 11-025-11, Furnish and Deliver Plumbing Pipe, Fittings and Valves to Various Locations for a One (1) Year Period, estimated cost \$242,000.00, Account 101-20000-623090

Recommended

- 13 [11-0681](#) Authority to advertise Contract 11-051-11 Furnish and Deliver Miscellaneous Hand Tools to Various Locations for a One (1) Year Period, estimated cost \$48,000.00, Account 101-20000-623680

Recommended

- 14 [11-0691](#) Authority to advertise Contract 10-185-3E, Pump and Blower Medium Voltage Switchgear Replacement, Stickney Water Reclamation Plant, estimated cost \$8,000,000.00, Accounts 401-50000-645650 and 401-50000-645680, Requisition 1324186

Recommended

- 15 [11-0698](#) Authority to advertise Contract 11-698-11 Furnish and Deliver Three Lagoon Pumps to LASMA and CALSMA, estimated cost \$92,000.00, Account 101-66000-634760, Requisition 1320980

Recommended

- 16 [11-0699](#) Authority to advertise Contract 11-671-11 Maintain and Repair High Pressure Hydraulic Systems at Various Service Areas, estimated cost \$75,200.00, Accounts 101-67000/68000/69000-612600/623090, Requisitions 1320085, 1321337, 1322970, 1323642

Recommended

- 17 [11-0705](#) Authority to advertise Contract 11-415-11 Furnish, Deliver and Install Air-Conditioning Units at the Main Office Building and Hugh H. McMillan Pavilion, estimated cost \$71,000.00, Account 101-15000-612680, Requisition 1324223

Recommended

- 18 [11-0727](#) Authority to advertise Contract 11-107-11, Furnish and Deliver Boat Maintenance, Repairs, Parts, and Secured Dockage Estimated Cost \$211,400.00, Accounts 101-16000-612790, 612330 and 623990, Requisition 1323299

Recommended

Issue Purchase Order

- 19 [11-0673](#) Issue purchase order and enter into an agreement with the firm of Beveridge & Diamond, P.C., to represent the Metropolitan Water Reclamation District of Greater Chicago in connection with *Natural Resources Defense Council, Inc. et al. v. Metropolitan Water Reclamation District of Greater Chicago*, Case No. 11-CV-2937, in an amount not to exceed \$350,000.00, Account 101-30000-601170, Requisition 1321698 (*Deferred from May 19, 2011 Board Meeting*)

Attachments: [B&D P.O. Req.-5.19. 6.2.11.pdf](#)

A motion was made by Cynthia M. Santos, seconded by Barbara J. McGowan, that this Agenda Item be Deferred. The motion carried by the following roll call vote:

Aye: 9 - Michael A. Alvarez, Frank Avila, Patricia Horton, Barbara J. McGowan, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

- 20 [11-0674](#) Issue purchase order and enter into an agreement for Contract 10-RFP-24, Provide Professional Consulting Services for MWRD Information Technology Application Development Division, with V3iT Consulting, Inc. in an amount not to exceed \$600,000.00, Account 101-27000-601170, Requisition 1308522

Recommended

- 21 [11-0676](#) Issue purchase order and enter into an agreement with Readsoft, Inc. for Software Maintenance and Support Renewal for a period of three years, in an amount not to exceed \$82,611.00, Account 101-27000-612820, Requisition 1323301 (*As Revised*)

Recommended

- 22 [11-0678](#) Issue purchase orders for Contract 11-639-11, Furnish and Deliver Process Water Chemicals and Consulting Services to Various Locations, Group A to Fremont Industries, Inc., in an amount not to exceed \$75,000.00, Group B to Fremont Industries, Inc., in an amount not to exceed \$92,487.00, and Group C to H-O-H Water Technology, Inc., in an amount not to exceed \$61,789.00, Accounts 101-67000, 68000, 69000-623560, Requisitions 1315260, 1315600, and 1315625

Recommended

- 23 [11-0683](#) Issue purchase order for Contract 11-109-11, Furnish and Deliver Repairs, Service and Parts for American Sigma/Hach Auto Samplers, Flowmeters, and Sampling Accessories, to Hach Company, in an amount not to exceed \$50,864.00, Account 101-16000-612970, Requisition 1315921

Recommended

- 24 [11-0720](#) Issue purchase order and enter into an agreement for Contract 10-RFP-08 Broadband Internet Access Services, with AT&T Corporation, in an amount not to exceed \$359,001.60, Account 101-27000-612210, Requisition 1308510

Deferred by Michael A. Alvarez

- 25 [11-0721](#) Issue purchase order and enter into agreement for Contract 11-RFP-06 provide Insurance Broker-of-Record Services for the District for a three-year period with Risk Management Resources, Inc., in an amount not to exceed \$93,000.00, Account 101-30000-601170, Requisition 1324211

Recommended

- 26 [11-0729](#) Issue purchase order and enter into an agreement with Dresser Industries, Inc., et al, Dresser-Rand Company, for Services and Parts for Dresser-Clark Centrifugal Compressor Systems (Blowers) for Stickney Water Reclamation Plant, in an amount not to exceed \$335,000.00, Accounts 101-69000-612650, 623270, Requisition 1318565

Recommended

Award Contract

- 27 [11-0679](#) Authority to award Contract 11-986-12 (Re-Bid), Supervision of Locomotive Inspection, Certification and Preventive Maintenance at the Stickney Water Reclamation Plant, to Professional Locomotive Services, Inc., in an amount not to exceed \$98,420.00, Account 101-69000-612670, Requisition 1313738

Recommended

- 28 [11-0687](#) Authority to award Contract 11-929-11, Repair of Rotating Assemblies at the Stickney Water Reclamation Plant West Side Pumping Station, to Rotating Equipment Repair, Inc., in an amount not to exceed \$71,935.00, Account 101-69000-612600, Requisition 1318576

Recommended
- 29 [11-0714](#) Authority to award Contract 11-004-11, Furnish and Deliver Structural and Stainless Steel to Various Locations, for a One (1) Year Period, Groups A and B, to Super Roco Steel & Tube Ltd. II, in an amount not to exceed \$218,942.85, Account 101-20000-623030

Recommended

Increase Purchase Order/Change Order

- 30 [11-0688](#) Authority to increase purchase order and amend the agreement with Smithamundsen LLC, for legal services in the matter of Gaweda, et al. v. MWRDGC, Case No. 10 CH 52264, in an amount of \$20,000.00, from an amount of \$35,000.00, to an amount not to exceed \$55,000.00, Account 101-11000-601170, Purchase Order 3066424 (Deferred from the May 19, 2011 Board Meeting)

Attachments: [SmithAmundsen 2011-06-02 CO.pdf](#)

Recommended
- 31 [11-0689](#) Authority to increase Contract 93-232-2M Hydraulic Improvements at the Calumet Water Reclamation Plant, to IHC Construction/FHP Tectonics, Joint Venture, in an amount of \$18,443.34, from an amount of \$123,629,525.98, to an amount not to exceed \$123,647,969.32, Accounts 401-50000-645650 and 645750, Purchase Order 5000623

Attachments: [CO 93-232-2M.pdf](#)

Recommended
- 32 [11-0690](#) Authority to increase Contract 05-147-2M HVAC Improvements at the Stickney Water Reclamation Plant, to Path Construction Company, in an amount of \$13,389.48, from an amount of \$3,539,029.45, to an amount not to exceed \$3,552,418.93, Account 201-50000-645750, Purchase Order 5001064

Attachments: [CO 05-147-2M.pdf](#)

Recommended

- 33 [011-0692](#) Authority to increase Contract 07-220-3P Primary Settling Tanks and Grit Removal Facilities, Calumet Water Reclamation Plant, to F.H. Paschen/S.N. Nielsen/IHC Construction Joint Venture, in an amount of \$53,577.86, from an amount of \$232,158,639.93, to an amount not to exceed \$232,212,217.79, Account 401-50000-645650, Purchase Order 5000954

Attachments: [CO 07-220-3P.pdf](#)

Recommended

- 34 [11-0693](#) Authority to increase Contract 09-176-3P Sludge Thickening Facilities, Stickney Water Reclamation Plant, to McHugh Construction, in an amount of \$116,839.59, from an amount of \$162,971,654.97, to an amount not to exceed \$163,088,494.56, Account 401-50000-645650, Purchase Order 5001115

Attachments: [CO 09-176-3P.PDF](#)

Recommended

- 35 [11-0700](#) Authority to increase Contract 01-817-2E Electrical Equipment Upgrades at Kirie, Egan, North Side and Hanover Park Water Reclamation Plants, to Windy City Electric Company, in an amount of \$13,862.28, from an amount of \$3,411,836.41, to an amount not to exceed \$3,425,698.69, Accounts 401-50000-645690 and 645750, Purchase Order 5000807

Attachments: [CO 01-817-2E.pdf](#)

Recommended

- 36 [11-0701](#) Authority to increase Contract 08-639-11 Furnishing and Delivering Process Water Chemicals and Consulting Services to the Stickney and Calumet Service Areas, to HOH Chemicals, Inc., in an amount of \$11,736.97, from an amount of \$147,197.54, to an amount not to exceed \$158,934.51, Account 101-69000-623560, Purchase Order 5000823

Attachments: [08-639-11.pdf](#)

Recommended

- 37 [11-0713](#) Authority to increase purchase orders and exercise the option to extend the agreements for Contract 08-RFP-27, to provide Legal Services for Workers' Compensation Defense for an additional Twelve (12) Month Period, to Dennis Noble & Associates, P.C. in an amount of \$60,000.00, from an amount of \$195,000.00 to an amount not to exceed \$255,000.00, and to Scopelitis, Garvin, Light, Hanson, & Feary, P. C., in an amount of \$50,000.00, from an amount of \$120,000.00 to an amount not to exceed \$170,000.00 and to Neuson Law, P.C., for an additional Twelve (12) Month Period, with no increase, Account 101-30000-601170, Purchase Orders 3056303, 3056302, 3056304.

Attachments: [Change order logs 3056303, 3056302,3056304.PDF](#)

Recommended

- 38 [11-0730](#) Authority to increase purchase order with W.W. Grainger Inc. in an amount of \$2,500.00, from an amount of \$9,900.00 to an amount not to exceed \$12,400.00, Account 101-15000-623990, Purchase Order 8006655

Attachments: [06.02.11 Board Transfer BF5 11-0695.pdf](#)

Recommended

Affirmative Action Committee

Authorization

- 39 [11-0709](#) Request to Board of Commissioners to Adopt the Hearing Officer's findings, conclusions and recommendations set forth in his Order for release of liquidated damages escrow funds in the amount of \$50,000.00 and dismissal of the Show Cause Complaint for a contractor's noncompliance with the Affirmative Action Ordinance in the matter of Metropolitan Water Reclamation District of Greater Chicago v. Kenny, Kiewit, Shea, J.V., Show Cause No. 05-006, Contract No. 75-208-2H

Recommended

Budget & Employment Committee

Report

- 40 [11-0731](#) Report on Budgetary Revenues and Expenditures for the Year Ended December 31, 2010

Attachments: [4th Qtr 2010 Budget Summary Attach.pdf](#)

Recommended

Authorization

- 41 [11-0695](#) Authority to transfer 2011 departmental appropriations in the amount of \$1,501,000.00 in the Corporate Fund and Stormwater Management Fund

Attachments: [06.02.11 Board Transfer BF5.pdf](#)

Recommended

Engineering Committee**Report**

- 42 [11-0675](#) Report to the Board of Commissioners on Contract 73-161-EH, McCook Reservoir Excavation Agreement, between the District and Vulcan Construction Materials, L.P., for mining the required "Rough Hole" for the McCook Reservoir

Attachments: [McCook Mining Costs.pdf](#)

Recommended

Judiciary Committee**Authorization**

- 43 [11-0670](#) Settlement of Village of Hillside v. Metropolitan Water Reclamation District of Greater Chicago, Case No. 09 CH 52404

Recommended

- 44 [11-0671](#) Authority to settle the Workers' Compensation claim of Matthew Dillon vs. MWRDGC, Case No. 11 WC 001696, Illinois Workers' Compensation Commission, in the sum of \$52,000.00, Account 901-30000-601090

Recommended

- 45 [11-0697](#) Authority to settle the Workers' Compensation claims of Joseph Urso vs. MWRDGC, Case Nos. 08 WC 43662 and 09 WC 049941, Illinois Workers' Compensation Commission, in the sum of \$160,623.71, Account 901-30000-601090

Recommended

Real Estate Development Committee**Authorization**

- 46 [11-0702](#) Authority to issue a 5-year permit to U. S. Army Corps of Engineers to access and use District property (c/k/a Main Channel Parcel 15.05) to launch and retrieve boats used to collect and analyze aquatic species in the Chicago Sanitary & Ship Canal between Romeoville and Lockport, Illinois. Consideration shall be a nominal fee of \$10.00
- Attachments:** [06-02-11_ACOE.pdf](#)
- Recommended**
- 47 [11-0703](#) Authority to issue a 25-year Easement to Commonwealth Edison Company ("Com Ed") to continue to operate, maintain, renew and remove an underground electrical transmission cable together with appurtenances under and through District land located east of McCormick Road and south of Dempster Street in Skokie, Illinois. Consideration shall be an initial annual fee of \$4,080.00
- Attachments:** [06-02-11_ComEd.pdf](#)
- Recommended**
- 48 [11-0704](#) Authority to accept sole initial annual rental bid of \$316,000.00 from and enter into a lease with IMTT-Illinois for a 39-year term on approximately 37 acres of improved real estate at 13589 Main Street in Lemont, Illinois; Main Channel Parcels 26.02 and 26.03
- Attachments:** [06-02-11_IMTT-Illinois.pdf](#)
- Recommended**
- 49 [11-0733](#) Issue orders authorizing an amendment to a 30-year lease to the Village of Mount Prospect on approximately 70 acres of improved District real estate located at 1326 West Central Road in Mount Prospect, Illinois, and known as Melas Park to extend the lease expiration date from June 10, 2011 to May 31, 2012. Consideration shall be a nominal fee of \$10.00
- Attachments:** [06-02-11_Village of Mt. Prospect.pdf](#)
- Recommended**
- 50 [11-0734](#) Authority to issue a one (1) day permit to Power Construction Company to allow access to the roof of the District's Main Office Building (100 E. Erie St.) for staging a welding project on the northwest corner of the building being constructed adjacent to and east of the District's alley subject to the terms and conditions stated herein and a document preparation fee of \$2,500.00
- Deferred by Mariyana T. Spyropoulos to the afternnon session**

Stormwater Management Committee

Authorization

- 51 [11-0696](#) Request for approval to initiate final design of various streambank stabilization projects

Attachments: [Streambank Stabilization Projects List.pdf](#)

Recommended

- 52 [11-0716](#) Request for approval to initiate final design of various flood control projects

Attachments: [Flood Control Project List.pdf](#)

Recommended

Miscellaneous & New Business**Ordinance**

- 53 [O11-002](#) Adopt Ordinance O11-002 An Ordinance authorizing the sale of not to exceed \$400,000,000 General Obligation Capital Improvement Bonds, Limited Tax Series, of the Metropolitan Water Reclamation District of Greater Chicago, Cook County, Illinois, the execution of one or more bond orders in connection therewith, and the levy of a direct annual tax in an amount to pay the principal of and interest on said bonds

Attachments: [Ord Lim 400M BTL.pdf](#)
 [Ord Lim 400M FINAL.pdf](#)

A motion was made by Cynthia M. Santos, seconded by Patricia Horton, that this Ordinance be Recommended. The motion carried by the following roll call vote:

Aye: 9 - Michael A. Alvarez, Frank Avila, Patricia Horton, Barbara J. McGowan, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

- 54 [O11-003](#) Adopt Ordinance O11-003 An Ordinance authorizing the sale of not to exceed \$100,000,000 General Obligation Capital Improvement Bonds, Unlimited Tax Series, of the Metropolitan Water Reclamation District of Greater Chicago, Cook County, Illinois, the execution of one or more bond orders in connection therewith, and the levy of a direct annual tax in an amount to pay the principal of and interest on said bonds

Attachments: [Ord Unl 100M BTL.pdf](#)
 [Ord Unl 100M FINAL.pdf](#)

A motion was made by Cynthia M. Santos, seconded by Patricia Horton, that this Ordinance be Recommended. The motion carried by the following roll call vote:

Aye: 9 - Michael A. Alvarez, Frank Avila, Patricia Horton, Barbara J. McGowan, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

Additional Agenda Items

- 55 [11-0735](#) Issue purchase order and enter into agreement for Contract 11-RFP-10, provide Background Check and Related Services with Kelmar and Associates for the period July 1, 2011 through June 30, 2014, in an amount not to exceed \$50,000.00, Account 101-25000-601170, Requisition 1324180

Recommended

- 56 [11-0736](#) Issue purchase order and enter into agreement for Contract 11-RFP-11, provide Professional Medical Examination and Drug-Testing Services, Pre-Employment Screens Supervised by a Licensed Physical or Occupational Therapist for Candidates in Physically Demanding Positions, Evaluations of Physically Demanding Job Classifications and Development of Related Job Analyses with Concentra Medical Centers for the period July 1, 2011 through June 30, 2014, in an amount not to exceed \$150,000.00, Account 101-25000-612260, Requisition 1324191

Recommended

Approval of the Consent Agenda with the exception of Items: 19, 24, 50, 53, 54, 57 and 58

President O'Brien called for a motion to accept the agendas for each Standing Committee that was convened. Moved by Cynthia M. Santos, seconded by Kathleen Therese Meany. President O'Brien called for any objections. No objections were voiced. Motion carried.

- 57 [11-0737](#) Request for policy direction regarding the issue of disinfection of effluent discharged from the Metropolitan Water Reclamation District of Greater Chicago's three water reclamation plants at the North Side, Calumet and Stickney locations, which discharge into receiving waters currently designated as secondary contact waters in the Chicago Area Waterway System

Deferred by Barbara J. McGowan

- 58 [11-0738](#) Requesting policy direction regarding termination pay and sick leave incentive and separation pay "ADOPTED AS AMENDED." REFER TO FILE ID #11-0738A

Deferred by Frank Avila to the afternoon session

Executive Session

A motion was made by Mariyana T. Spyropoulos, seconded by Cynthia M. Santos, that an executive session for the Committee on Budget and Employment to discuss the appointment, Employment and Compensation of specific employees.

A motion was made by Mariyana T. Spyropoulos, seconded by Cynthia M. Santos, that an executive session be held for the Committee on Judiciary to discuss two matters of pending litigation.

Adjournment

The Committee of the Whole meeting of June 2, 2011 was adjourned at 12:30 p.m.

**/s/ Jacqueline Torres
Clerk**